



PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

**Provincial Gazette
Igazethi Yephondo
Provinsiale Koerant**

Selling price: **R1,50**
Other countries: **R1,95**

Vol. 9

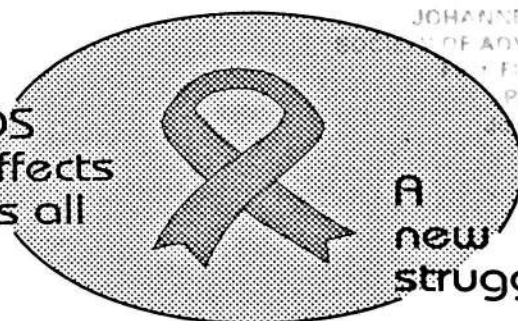
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PROVINCIAL NOTICE

No. 59**26 November 2002****DEPARTMENT OF ECONOMIC AFFAIRS, ENVIRONMENT AND TOURISM****CONSUMER AFFAIRS (UNFAIR BUSINESS PRACTICES) ACT, 1998
(ACT NO 5 OF 1998)****CONSUMER AFFAIRS (UNFAIR BUSINESS
PRACTICES) REGULATIONS**

The Member of the Executive Council responsible for consumer Affairs has under section 29 of the Consumer Affairs (Unfair Business Practices) Act, 1998 (Act No 5 of 1998), made the regulations in the Schedule.

Any person who wishes to comment on the said regulations must submit these in writing to the Head of Department, Department of Economic Affairs, Environment and Tourism, Private Bag X 0054, Bisho, to reach him within 30 days of the date of publication hereof.

SCHEDULE

CHAPTER 1

INTERPRETATION

Definitions

1. In these regulations, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Consumer Affairs (Unfair Business Practices) Act, 1998 (Act No. 5 of 1998), retains that meaning, and in addition-

"*chairperson*" means the chairperson of the Tribunal, and includes an alternate chairperson appointed under section 14(3) of the Act;

"*Consumer Protector*" includes -

- (a) an acting Consumer Protector appointed under section 4(1)(b) of the Act; and
- (b) a person in the service of the Office authorised by the Consumer Protector.

"*person*" means -

- (a) a natural person;
- (b) includes any company incorporated or registered as such under any law;
- (c) any body of persons corporate or unincorporated; and

"*the Act*" means the Consumer Affairs (Unfair Business Practices) Act, 1998(Act No. 5 of 1998).

CHAPTER 2

INVESTIGATIONS BY OFFICE FOR THE INVESTIGATION OF UNFAIR BUSINESS PRACTICES

Office may request complainant to provide further information

2.(1) Where a person has lodged a complaint with the Office regarding an alleged unfair business practice, as contemplated in section 6(1) of the Act, the Office may request the complainant to provide further information in the form of an affidavit or otherwise.

(2) The Office must reduce further information provided as contemplated in sub regulation (1) to writing.

Notice of investigation to person allegedly responsible for unfair business Practice

3.(1) When the Office institutes an investigation, whether on receipt of a complaint as contemplated in section 6 of the Act or of its own accord or at the instance of the responsible Member as contemplated in sections 7(1) and (2) respectively, or in terms of section 12 (1)(b) of the Act, the Office must give notice of the investigation and of the alleged unfair business practice to the person alleged or suspected to be responsible for the unfair business practice in question.

(2) The Consumer Protector must cause notice to be given-

(a) through delivery to the person to be notified; or

(b) by sending the notice to that person by electronic facsimile or prepaid registered post to his or her -

(i) business address; or

(ii) address last known to the Office.

(3) The notice referred to in sub-regulation (1) must be accompanied by a warning to the person allegedly implicated that a statement or explanation, which he or she may give, may be used against him or her in proceedings before the Tribunal.

(4) A notice as referred to in sub regulation (1) must be sent regardless of whether the Office makes known the investigation in the *Provincial Gazette* as contemplated in section 7(3) of the Act.

Form of summons

4. A summons contemplated in section 8(2)(a) of the Act, must be substantially in the form of Form 1 in Annexure A.

Manner of service of summons

5. A summons referred to in Regulation 4 must be served in the manner prescribed in Regulation 15 hereof.

Oath or affirmation by person summoned

6. A person summoned in terms of section 8(1)(a) of the Act must,

before being questioned or required to produce an object, take and sign an oath or solemn affirmation in the terms set out in Part 1 of Annexure C.

Witness fees to which person summoned entitled

7. A person summoned, as contemplated in section 8(1)(a) of the Act, is entitled to witness fees in accordance with witness fees as determined under the Supreme Tribunal Act, 1959 (Act No. 59 of 1959).

(2) A person summoned is entitled to fees from the Office in accordance with the tariff referred to in (1).

Conditions of service and remuneration of certain investigating Officers

8.(1) The conditions contemplated in section 9(3) of the Act governing the appointment of an investigating Officer who is not in the full-time service of the State are as follows:

- (a) the appointee holds office as an investigating Officer for the hours, days or other period or periods as the Consumer Protector may determine;
- (b) the investigating Officer must perform his or her functions subject to the control and directions of the Consumer Protector;
- (c) the investigating Officer perform must his or her functions faithfully and diligently; and
- (d) as determined by the Consumer Protector.

(2) An investigating Officer who is not in the full-time service of the State must be remunerated on a scale determined by the Head of Department in consultation with the responsible member.

Certificate of appointment

9. An investigating Officer must be provided with a certificate of appointment in terms of section 9(4) that complies with Form 2 in Annexure A.

Search warrant

10. A search warrant contemplated in section 10(2) of the Act must comply substantially with Form 3 in Annexure A and must be signed by the Chairperson or a member of the Tribunal designated by the Chairperson.

Receipt to be issued on seizure

11. Where an investigating Officer seizes anything which has or might have a bearing on an investigation as contemplated in section 10(1)(d) of the Act, the investigating Officer must issue a receipt in the form of Form 4 in Annexure A to the owner or person in charge of the premises or to the person in possession or in charge of the object seized.

CHAPTER 3

PROCEEDINGS BEFORE THE CONSUMER AFFAIRS TRIBUNAL

Oath or affirmation by member of Tribunal

12. A member or alternative member of the Tribunal must, before assuming Office, take and sign an oath or solemn affirmation before the responsible Member in the form contained in Part 2 of Annexure C.

Costs award where person responsible acted fraudulently or grossly unreasonably

13.(1) Where the Tribunal awards costs against a person found to have conducted the unfair business practice concerned and to have acted fraudulently or grossly unreasonably, as contemplated in section 17(1)(b) of the Act, such costs must

(a) be paid to the Office by the person against whom they are awarded;

(b) be on the scale of costs contained in Tariff 1 in Annexure B

(2) The Consumer Protector must cause the amount of costs paid to the Office as contemplated in sub regulation (1)(a) to be paid into the Provincial Revenue Fund.

Form of summons initiating proceedings against person allegedly responsible for unfair business practice

14.(1) Proceedings before the Tribunal against a person alleged to be responsible for an unfair business practice must be initiated, as contemplated in section 18(1) of the Act, by a summons complying substantially with Form 5 in Annexure A.

(2) The summons must-

- (a) contain the substance of the allegations regarding the unfair business practice in question;
- (b) specify a date, which will not be less than 10 working days and place on which the person summoned is required to appear before the Tribunal.

Manner of service of summons on person allegedly responsible

15. (1) A summons referred to in regulation 14 initiating proceedings against a person alleged to be responsible for an unfair business practice must be served in one of the following manners:

- (a) delivery of a copy of the summons to the person to be served;
- (b) by leaving a copy thereof at the place or residence of the person to be served with a person who appears to be in charge of the premises at the time of delivery and who seems to be older than 16 years of age;
- (c) by delivering a copy thereof at the place of employment of the person to be served to a person who appears to be in authority over the said person and seems to be older than 16 years of age;

(d) if the person to be served has chosen an address at which the summons may be served, by delivering or leaving a copy thereof at the address so chosen

(e) in the case of a company or close corporation, by delivering a copy to a responsible employee thereof at its registered Office or its principal place of business within the jurisdiction of the Tribunal or, if none of the employees are willing to accept service, by affixing a copy to the main door of such Office or place of business;

(f) by delivering a copy thereof to an agent who is duly authorised in writing to accept service on behalf of the person to be served;

(g) where a partnership, firm or voluntary association is to be served -

(i) by leaving a copy thereof at the place of business of the partnership, firm or voluntary association with a person who appears to be in charge of the premises at the time of delivery and who seems to be older than 16 years of age; or

(ii) if such partnership, firm or voluntary association has no place of business at the time of service, by effecting service on a partner, the proprietor or the chairman or secretary of the committee or other managing body of the association, as the case may be, in a manner set forth in this regulation; or

(h) in a manner determined by the Tribunal in a particular case.

(2) Where the person to be served is a minor or a person without legal capacity, the summons must be served in a manner mentioned in sub-regulation (1) on that person's guardian, tutor, curator or caregiver instead of being served on that person.

(3) For the purposes of sub regulation (1)(b), when a block of flats or other building (other than an hotel, boarding-house, hostel or similar residential building) is occupied by more than one person or family, the summons must be served as provided in the said sub regulation at that part of the building which the person to be served occupies as his or her residence or place of business.

(4) The Consumer Protector must cause summons to be served, unless the Tribunal orders otherwise in a particular case.

(5) Persons ordered to serve summons in terms of Regulation 15(4), must be remunerated on the scale of messengers of the Magistrate's Tribunal Act, 1944 (Act No. 32 of 1944).

(6) The Tribunal may postpone a matter to a future unspecified date or strike the matter off the roll, where it is satisfied that service has not been properly effected.

Subpoena by Tribunal of witnesses and producing documents to ascertain a matter relating to proceedings

16. (1) Where the Tribunal issues an order requiring a person to appear before it to give evidence or to produce an object for the purpose of

ascertaining a matter relating to proceedings before the Tribunal as contemplated in section 19(1)(a), the Tribunal must issue a summons addressed to that person complying with Form 6 in Annexure A

(2) A summons referred to in sub regulation (1) must be served in a manner prescribed by regulation 15.

Oath or affirmation by person giving evidence or producing objects

17. Before giving evidence or producing an object, a person summoned in terms of section 19 of the Act must make and sign an oath or solemn affirmation in the terms set out in Part 3 of Schedule C.

Witness fees for persons who attended proceedings of Tribunal

18.(1) A person who has attended proceedings of the Tribunal as a witness as contemplated in section 19 (5) of the Act is entitled to witness fees in accordance with witness fees as determined in the Supreme Tribunal Act, 1959 (Act No. 59 of 1959).

(2) The clerk of the Tribunal must pay fees in accordance with the tariff referred to in subsection (1).

Proceedings against persons allegedly responsible for unfair business practice

19.(1) Proceedings before the Tribunal against a person allegedly responsible for an unfair business practice must be conducted in accordance with this regulation, with a view to ascertaining whether an unfair

business practice exists or may come into existence and whether that person is or was implicated in that practice or future practice.

(2) The Office must state the alleged unfair business practice and the nature of the involvement of the person who is, allegedly, implicated.

(3) The chairperson must ask the person who is, allegedly, implicated, whether he or she admits to any or all of the allegations, and an admission must be recorded.

(4) Where that person does not admit all the allegations, the Office has the opportunity to produce evidence in support of the allegations that are denied.

(5) The person who is, allegedly, implicated, then has the opportunity of stating his or her case against the allegations and of producing evidence in support thereof.

(6) The Tribunal may in its discretion allow further evidence to be produced or witnesses to be recalled by the Office or the person allegedly implicated.

(7) After the Office and the person who is, allegedly, implicated, have produced their evidence and stated their cases, the Tribunal may recall a witness or call further witnesses to submit to questioning by the Tribunal and thereafter by the Office and the person allegedly implicated.

(8) After all the evidence has been produced, the Office may address the Tribunal.

(9) The person allegedly implicated may then address the Tribunal.

(10) The Office may thereafter address the Tribunal to reply only to matters raised by the person allegedly implicated which the Office has not yet dealt with.

(11) The Tribunal may adjourn the proceedings where necessary to give the person allegedly implicated a reasonable time to prepare representations or for other good cause.

(12) Whenever the chairperson is satisfied on evidence or information presented to the Tribunal that other instituted or pending legal proceedings or investigations in terms of other laws exist or may come into existence, the Tribunal must take note thereof and consider appropriate ways in which to deal with such other proceedings or investigations.

(13) The chairperson may determine that proceedings before the Tribunal may be conducted otherwise than in accordance with this regulation.

(14) The Tribunal must ensure that the person allegedly implicated is sufficiently informed of the allegations regarding the unfair business practice in question to enable him or her to make representations.

Examination of witnesses

20.(1) A witness called by the Office may be cross-examined by the person against whom the proceedings were instituted and the other way around, and a witness called by the Tribunal may be cross-examined by the Office and that person.

(2) Without prejudice to the right of the Office or a person allegedly implicated to be represented or assisted as contemplated in sections 18(4) and (6) of the Act, a witness appearing before the Tribunal may, in the discretion of the chairperson and in the manner as the chairperson may determine, be assisted by an advocate, attorney or another person approved by the chairperson.

(3) The Tribunal may direct that no person will be allowed to disclose in any manner whatsoever the name or address of a person who testified or testifies or who has been summoned and so requests the Tribunal not to reveal his or her identity.

(4) Where evidence is given in a language with which the Tribunal or the Office or the person alleged to be responsible for the unfair business practice in question or their representatives are not sufficiently conversant, a competent interpreter must interpret the evidence.

(5) If, in the opinion of the Tribunal,- it is expedient to appoint a competent interpreter or if the Office or the person allegedly implicated so desires, the Tribunal may satisfy itself as to the competence and integrity of a proposed interpreter before he or she is employed as such.

(6) Interpreters must be remunerated in accordance with the tariff of allowances prescribed by the Minister Of Justice and published by notice in the Gazette in terms of section 15 of the Magistrate's Tribunal Act, 1944(Act No. 32 of 1944).

Urgent temporary orders

21.(1) Where the Office seeks an urgent temporary order contemplated in section 20(1) of the Act, it must, before the temporary order is issued but subject to sub regulation (4), give notice thereof to each person against whom the order will be sought or who will be named in or affected by the order.

(2) A notice contemplated in sub regulation (1) must -

(a) state that the Office intends to place information before the Tribunal that circumstances relating to the particular matter concerned, which is the subject of an investigation by the Office render that matter urgent in that irreparable prejudice would be caused to a consumer or a group or class of consumers if the matter were to be dealt with only by the Tribunal at proceedings in due course and that the Office will accordingly request the Tribunal to issue a temporary order;

(b) give particulars of the investigation sufficient to identify the matter that is the subject of the investigation;

(c) state the terms of the temporary order sought by the Office;

(d) state the date and time when and place where the Office will request the Tribunal to issue the order;

(e) state that the person notified may appear at that date, time and

place and that he or she may object only on the grounds that the

matter is not urgent as contemplated in paragraph (a);

(f) comply with Form 6 in Annexure A.

(3) A notice contemplated in sub regulation (1) must be served in a manner prescribed by regulation 15.

(4) On request by the Office, the Tribunal may in a particular case dispense with the notice requirement under sub regulation (1) to any or all persons concerned if the giving of such notice would defeat the object of the temporary order, or for other good cause shown.

Procedure for confirming arrangements and for incidental requests and applications

22.(1) The chairperson may determine the manner in which applications to the Tribunal by the Office for confirmation of an arrangement as contemplated in section 21(1) of the Act, and a request or other application by the Office or by a interested person incidental to pending proceedings may be brought.

(2) Applications and requests contemplated in sub-regulation (1) may be disposed of in such manner and in accordance with such procedure as the chairperson may determine.

Rate of interest on money repayable to affected consumers

23. Where the Tribunal orders that interest must be paid on money to be

repaid to affected consumers as contemplated in section 22(2)(a) of the Act

(a) the interest must be calculated at the prevailing rate prescribed from time to time under section 1(2) of the Prescribed Rate of Interest Act, 1975 (Act No. 55 of 1975), unless the Tribunal on the grounds of special circumstances orders otherwise;

(b) the Tribunal must specify in its order the date from which and the amount on which interest is payable.

Remuneration of certain curators

24. The remuneration contemplated in section 23(4) of the Act which is payable to a curator who is not in the full-time service of the State must be in accordance with Tariff 2 in Annexure B.

Oath or affirmation by transcriber and interpreter

25.(1) A person appointed or designated to take down or record the proceedings of the Tribunal in shorthand or by mechanical means, or to transcribe the proceedings which have been so taken down or recorded, must before commencing with his or her duties take and sign an oath or solemn affirmation before the clerk of the Tribunal in the form of Part 4 of Annexure C.

(2) A person appointed or designated to perform the functions of an interpreter before the Tribunal must before commencing with his or her duties make and sign an oath or solemn affirmation before the clerk of the Tribunal in the form of Part 5 of Annexure C.

Signing of Tribunal order

26. An order by the Tribunal intended to be made known by notice in the Provincial Gazette must be signed by the chairperson or by a member of the Tribunal designated by the chairperson or by the clerk of the Tribunal, as determined by the chairperson in general or in a particular case.

Transcriptions

27. In the event of any person requiring a transcription of Tribunal proceedings, the person requiring such transcription shall bear the costs thereof.

ANNEXURES

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ANNEXURE A

FORMS

Form 1

PROVINCE OF THE EASTERN CAPE

DEPARTMENT OF ECONOMIC AFFAIRS ENVIRONMENT AND TOURISM

OFFICE FOR THE INVESTIGATION OF UNFAIR BUSINESS PRACTISES

SUMMONS TO APPEAR BEFORE THE CONSUMER PROTECTOR
PERSON IN THE SERVICE OF THE OFFICE FOR THE INVESTIGATION OF
UNFAIR BUSINESS PRACTICES

(Consumer Affairs (Unfair Business Practices) Act, 1998
(Act No. 5 of 1998)

Section B(2)(a) and regulation 4

To:.....

Office ref:

.....

.....

.....

In the matter of the alleged or suspected

.....

 (particulars of matter in connection with which
 person summoned is required to appear)

You are hereby summoned to appear before the Consumer Protector or a
 person in the service of the Office for the Investigation of Unfair
 Business Practices at..... (place)
 at.....h.....(time) on..... (date)

*(a) to be questioned in connection with the matter particularised
 above; * and

*(b) to produce

.....

(describe books, documents
 or objects) and be questioned in connection therewith.

(* Delete what is not applicable.)

Section 8(4) of the Act states that a person shall be guilty of an
 offence if he or she, having been summoned -

(a) fails without sufficient cause to attend at the time and place
 specified in the summons, or to remain in attendance until the
 conclusion of the proceedings or until he or she has been excused

from further attendance;

(b) refuses to take the oath or make an affirmation;

(c) refuses to answer, or to answer fully and satisfactorily to the best of his or her knowledge and belief, a question lawfully put to him or her;

(d) fails to produce a book, document or object in his or her possession or custody or under his or her control, which he or she was required to produce; or

(e) makes a false statement to the Consumer Protector or other person in the service of the Office designated by the Consumer Protector, knowing such statement to be false or not knowing or believing it to be true.

..... (date)

Consumer Protector/Person authorised by Consumer Protector

Form 2

PROVINCE OF THE EASTERN CAPE

DEPARTMENT OF ECONOMIC AFFAIRS ENVIRONMENT AND TOURISM

OFFICE FOR THE INVESTIGATION OF UNFAIR BUSINESS

CERTIFICATE OF APPOINTMENT AS INVESTIGATING OFFICER

(Consumer Affairs (Unfair Business Practices) Act, 1998 (Act No.5 of 1998) : Section 9(4) and regulation 9(1)

It is certified that

.....
(full names)

is an investigating Officer appointed in terms of the above-mentioned Act.

(date)

Consumer Protector

Form 3

**EASTERN CAPE PROVINCIAL GOVERNMENT
DEPARTMENT OF ECONOMIC AFFAIRS ENVIRONMENT AND TOURISM
OFFICE FOR THE INVESTIGATION OF UNFAIR BUSINESS PRACTISES
SEARCH WARRANT**

**(Consumer Affairs (Unfair Business Practices) Act, 1998 (Act No. 5 of 1998):
Section 10(2) and regulation 10)**

To.....(full names),.....
an investigating Officer appointed in terms of the above-mentioned Act.

Whereas it appears to the Consumer Affairs Tribunal from information given to it on oath or solemn affirmation that there are reasonable grounds to

suspect that an unfair business practice as contemplated in the said Act
exists or may come into existence, namely

.....
.....
..... (describe practice) and that
the following books, documents or other objects which may afford
evidence of unfair business practice, being

.....
.....
..... (describe books, documents or objects) are in or on
the premises situated at
.....(address).

This warrant is therefore to authorise you to enter the said premises
in the day time, *and also in the night time as hereby authorised in terms
of section 10(3)(b) of the said Act (*delete if not applicable), and there

- (a) inspect or search those premises, and there make such inquiries as
may be necessary for the purpose of obtaining information in
relation to the said unfair business practice,
- (b) examine an object found on or in the premises which has or might
have a bearing on the investigation into the said unfair business
practice and request from the owner or person in charge of the
premises or from a person in whose possession or charge that object
is, information regarding that object;

(c) make copies of or extracts from a book or document found on or in

the premises which has or might have a bearing on the investigation,
and request from a person who is suspected of having the necessary
information, an explanation of a entry therein;

(d) seize; against the issue of a receipt, anything on or in the
premises which has or might have a bearing on the investigation, if
the investigating Officer needs to retain it for further examination
or for safe custody.

..... (date)

Consumer Affairs Tribunal

Form 4

**EASTERN CAPE PROVINCIAL GOVERNMENT
DEPARTMENT OF ECONOMIC AFFAIRS ENVIRONMENT AND TOURISM
OFFICE FOR THE INVESTIGATION OF UNFAIR BUSINESS PRACTISES
RECEIPT FOR ARTICLES SEIZED**

(Consumer Affairs (Unfair Business Practices) Act, 1998

(Act No. 5 of 1998) : Section 10(1)(d) and regulation 11.

To

(name of owner or person in charge of premises)

I,.....(full names), investigating Officer,
have seized on or in the premises situated
at.....
.....
..... (address of premises)
and retained for further examination or for safe custody, the following
articles:

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....
- 6.....
- 7.....
- 8.....

..... (date)

Investigating Officer

Form 5

EASTERN CAPE PROVINCIAL GOVERNMENT
DEPARTMENT OF ECONOMIC AFFAIRS ENVIRONMENT AND TOURISM
OFFICE FOR THE INVESTIGATION OF UNFAIR BUSINESS PRACTISES
SUMMONS INITIATING PROCEEDINGS BEFORE
THE CONSUMER AFFAIRS TRIBUNAL
(Consumer Affairs (Unfair Business Practices) Act, 1998
(Act No. 5 of 1998) : Section 18(1) and regulation 14(1))

To:

Tribunal ref:.....

.....

.....

.....

TAKE NOTICE THAT you are alleged to be responsible for the unfair business practice of.....

.....

.....

.....

..... (particulars of unfair business practice).

THAT proceedings are hereby instituted in the Consumer Affairs Tribunal for *the Province of Eastern Cape/the area of(insert area)*

against you as the person allegedly responsible for the above-mentioned business practice;

THAT the proceedings against you will commence before the Consumer Affairs Tribunal at(place) at.....h.....(time) on.....(date);

THAT proceedings before the Consumer Affairs Tribunal will be prosecuted by the Office for the Investigation of Unfair Business Practices, who may be represented or assisted by an advocate, attorney, or a other person approved by the Member of the Executive Council of the Province responsible for economic affairs and finance. AND THAT you are entitled to participate in

the proceedings and may appear in person or be represented or assisted by an advocate, attorney or another person.

.....(date)

Consumer Protector/
Person Authorised by
Consumer Protector

Clerk of the Consumer Affairs Tribunal

Form 6

PROVINCE OF THE EASTERN CAPE
DEPARTMENT OF ECONOMIC AFFAIRS ENVIRONMENT AND TOURISM
SUMMONS TO APPEAR BEFORE THE CONSUMER AFFAIRS TRIBUNAL
(Consumer Affairs (Unfair Business Practices) Act, 1998 (Act No. 5 of 1998) :
Section 19(1)(a) and regulation 16(1))

To:

Tribunal ref:.....

.....

.....

In the matter of the alleged

.....

.....

..... (particulars of matter
in connection with which ,person summoned is required to appear)

You are hereby summoned to appear before the Consumer Affairs Tribunal
at.....(place) at.....h.....(time) on(date)

*(a) to give evidence in connection with the matter particularised
above; * and

*(b) to produce

.....
..... (describe books, documents or
objects) and be questioned in connection therewith.

(* Delete what is not applicable.)

Section 19(3) of the Act states that a person shall be guilty of an
offence if he or she, having been summoned -

- (a) fails without sufficient cause to attend at the time and place
specified in the summons, or to remain in attendance until the
conclusion of the proceedings or until he or she has been excused by
the Tribunal from further attendance;
- (b) refuses to take the oath or make an affirmation,
- (c) refuses to answer, or to answer fully and satisfactorily to the
best of his or her knowledge and belief, a question lawfully put to
him or her;
- (d) fails to produce a book, document or object in his or her
possession or custody or under his or her control, which he or she

was required to produce; or

(e) makes a false statement before the Tribunal knowing such statement to be false or not knowing or believing it to be true.

..... (date)

Clerk of the Consumer Affairs Tribunal

ANNEXURE B

TARIFFS

Tariff 1

Scale of costs

(Section 17(1)(b) and regulation 13(1))

1 For the investigation by the Office, an amount of R5 000.

2 In addition to the amount mentioned in item 1, an amount of R3 000 for each day or part of a day on which the Tribunal sat for the hearing of a proceeding relating to the person allegedly implicated.

Tariff 2

Remuneration payable to a curator who is not in the full-time service of the State

(Section 23(4) and regulation 24)

1 On the gross proceeds of movable property (other than shares or similar

securities) realised or disposed of as contemplated in section 23(1)(a) or (1) of the Act, or on

the gross amount collected under promissory notes or book debts, or as rent, interest or other income 10 percent

2 On the gross proceeds of immovable property, shares or similar securities realised or disposed of as contemplated in section 23(1)(a) or (j) of the Act, life insurance policies and mortgage bonds recovered and the balance recovered in respect of immovable property sold

prior to a Tribunal order under section 22(1) of the Act 3 percent

3 On

(i) money of the person for whom the curator is appointed;

(ii) the gross proceeds of cheques and postal orders payable to that person; and

(iii) the gross proceeds of amounts standing to the credit of that person, in current, savings and other accounts and of fixed deposits and other deposits at banking institutions, building societies or other financial

institutions 1 percent

4. On sales by the curator in carrying on the business of the person, or a part thereof, as contemplated in section 23(1)(d) of the Act

6 percent

5. On amounts and assets distributed as contemplated in section 23(1)(b) of the Act, excluding a amount on which remuneration is payable under a other item of this tariff percent provided that the total remuneration of a curator in terms of this tariff must not be less than R2 000.

2 percent

ANNEXURE C

OATHS AND AFFIRMATIONS

If a person objects to taking an oath or affirmation in a form set out in this annexure or it appears that a person would not regard an oath or affirmation in such a form as binding on his or her conscience, such person may take an oath or affirmation to the same effect as set out in the applicable part of this annexure in another form that the person considers binding on his or her conscience

Part 1

Oath or affirmation by person summoned to appear before Consumer
Protector or person in service of Office
(Regulation 6(1))

"I, A.B., *swear/solemnly affirm * that the answers that I give are the truth, the whole truth and nothing but the truth. (In the case of an oath:) So help me God."

(*delete what is not applicable)

DEPONENT

Consumer Projector / Person
Authorised by Consumer Protector**Part 2****Oath or affirmation by member or alternate member of Tribunal
(Regulation 12)**

"I, A.B., *swear/solemnly affirm* that, as a member/alternate member* of the Consumer Affairs Tribunal for *Eastern Cape/the area of (insert area)*, I will truly and faithfully uphold and apply the Consumer Affairs (Unfair Business Practices) Act, 1996 (Act No. 7 of 1996), of the province of Eastern Cape. (In the case of an oath) So help me God."

(*Delete what is not applicable.)

DEPONENT

MEC: Economic Affairs, Environment and
Tourism**Part 3****Oath or affirmation by person summoned
(Regulation 17)**

"I, A.B., *swear/solemnly affirm* that the evidence which I shall give is the truth, the whole truth and nothing but the truth. (In the case of an

oath:) So help me God."

(*delete what is not applicable)

DEPONENT

Member of the
Consumer Affairs Tribunal

Part 4

Oath or affirmation by transcriber (Regulation 25(1))

"I, A. B., *swear/solemnly affirm* -

*(a) that I shall faithfully and to the best of my ability *take
down/record* the proceedings of the Consumer Affairs Tribunal for
Eastern Cape/the area of..... (insert area), *in
short hand/by mechanical means* as ordered by the chairperson of the
Tribunal or other person presiding;

*(b) that I shall transcribe fully and to the best of my ability
shorthand notes/ a mechanical record of the proceedings of the
Consumer Affairs Tribunal for *Eastern Cape/ the area of.....(insert
area)* made by me or by another person.

(In the case of an oath:) So help me God."

(*Delete what is not applicable.)

DEPONENT

Clerk of the
Consumer Affairs Tribunal

Part 5

Oath or affirmation by interpreter
(Regulation 25(2))

"I, A.B., *swear/solemnly affirm* that, whenever I am called upon to perform the functions of an interpreter in the proceedings in the Consumer Affairs Tribunal for *Eastern Cape/the area of(insert area)*, I will truly and correctly to the best of my ability interpret from the language which I may be called upon to interpret into another language as required by the Tribunal, and the other way around. (In the case of an oath:) So help me God."

(* Delete what is not applicable.)

DEPONENT

Clerk of the
Consumer Affairs Tribunal

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.

Tel: (012) 334-4507, 334-4511, 334-4509, 334-4515

Also available at the Legal Advisory Services, Province of the Eastern Cape, Private Bag X0047, Bisho, 5605. Tel. (040) 635-0052